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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,329	09/16/2003	Hisashi Hotta	Q75433	9174

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

GILLIAM, BARBARA LEE

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,329

Applicant(s)

HOTTA, HISASHI

Examiner

Barbara L. Gilliam

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed November 30, 2005 has been entered and fully considered.
2. Claims 1-4, 7 and 8 are present. Applicant canceled claims 5 and 6.
3. The amendment to independent claims 1 and 2 is supported by the specification.
4. In light of the amendment to independent claims 1 and 2, the previous rejections of record are withdrawn.

Double Patenting

5. Claims 1-4, 7 and 8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of Endo et al (US 6,716,567) in view of Hotta et al. (US 2003/0031860 A1). Although the conflicting claims are not identical, they are not patentably distinct from the claims of Endo et al. because the printing plate of Endo et al. inherently has a hydrophilic anodizing layer present on the surface of the aluminum support due to the anodizing treatment with alkali solution. The three grain structures (large, medium and small undulations) are set forth in claim 2. The photosensitive layer includes a water-insoluble and alkali soluble resin and an infrared absorbent. Upon imagewise heating the solubility of the photosensitive layer increases. Endo et al. do not claim sealing the hydrophilic oxide layer however it would have been obvious to one of ordinary skill in the art to seal the layer using conventional pore sealing treatments such as those disclosed by Hotta et al. Specifically, Hotta et al. teach sealing using particles having a mean particle size of 8 to 800 nm ([0169]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being obvious over WO 02/034544 (US 6,716,567) in view of Hotta et al. (EP 1 219 464 A2)*.

a. The WO reference discloses a presensitized plate having a photosensitive layer that can become alkali soluble by heating. The support for the plate comprising pits (undulations) in three separate sizes. The large, medium and small sizes are shown in col. 5 (US 6,716,567). See lines 3-7 which discloses large, medium and small undulations having a size of 2 to 10 μm , 0.05 to 5 μm and 0.005 to 0.1 μm respectively (col. 8, lines 60-62). The photosensitive layer is alkali soluble upon heating and comprises a water-insoluble and alkali soluble resin and an infrared absorbent (col. 35, lines 61-67; col. 41, lines 27-28). Applicant teaches the same surface treating steps including mechanical graining, chemical etching, desmutting with acid, electrochemical graining using an electrolyte, chemical etching with alkali aqueous treatment and desmutting (col. 48 – 49). Hydrochloric treatment is taught at col. 6 and col. 7, lines 29-34. The plate is then anodized with alkali solution which will form the hydrophilic anodizing layer (col. 9 & col. 49). The plate is then treated by alkali metal silicate (col. 50). It would have been obvious to seal the pores of the hydrophilic anodizing layer using conventional methods such as the method of Hotta et al. wherein a particle layer

Art Unit: 1752

comprising particle having an average diameter of from 8 to 800 nm is provided on the hydrophilic anodic oxide layer (see claim 8). The Examiner asserts the conductivity of the hydrophilic anodizing layer of the WO reference is inherent and expected to be consistent with the presently claimed conductivity because the same materials were treated in the same manner.

*EP 1 219 464 A2 is the equivalent of JP 2002-214764 which is the patent of application JP 2001-9871 cited in paragraph [0168] of Hotta et al. (2003/0031860 A1).

Response to Arguments

8. Applicant's arguments with respect to the rejection(s) of claim(s) 1-4, 7 and 8 under obviousness-type double patenting and 35 USC 102(a) have been fully considered and are persuasive in light of the amendment to independent claims 1 and 2. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hotta et al. (US 2003/0031860 A1). Applicant argued the WO reference teaches away from an anodizing layer with micropores. The Examiner disagrees. An anodizing layer without micropores is the most preferred embodiment. According to the reference it does not matter whether the anodized layer has micropores and when present, it is preferred the average pore diameter is 15 nm or less (col. 9, lines 36-58).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 1752

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

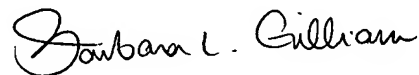
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara L. Gilliam whose telephone number is 571-272-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1752

b. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barbara L. Gilliam
Primary Examiner
Art Unit 1752

bg
February 10, 2006